

## **REMARKS**

### **I. Introduction**

This Amendment and Response is a full and timely response to the Office Action dated March 22, 2007. In the present amendment, Applicant has amended claims 1, 7-8, 22, 34-35, and 47-48. Claims 5-6, 23-24, and 45-46 have been cancelled. Claims 53-56 have been added. Examples of support for the amendments to claims 1, 7-8, 22, 34-35, and 47-48 may be found in the specification on page 11, lines 3-8, page 16, lines 3-9, page 23, lines 19-22, and page 36, lines 10-11. An example of support for claims 53-56 may be found in the specification on page 17, lines 10-18.

After entry of the present amendment, claims 1-4, 7-22, 25-44, and 47-56 are pending.

### **II. Claim Rejections in view of U.S. Patent No. 5,649,114 to Deaton**

The Office Action rejected claims 1-4, 7, 9, 12, 14, 18-19, 21-32, and 34-52 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,649,114 to Deaton. Applicant traverses these rejections for the reasons set forth below and respectfully requests reconsideration and withdrawal thereof.

Deaton fails to disclose or suggest each element recited in amended independent claims 1, 35, and 48. For example, Deaton fails to disclose or suggest “analyzing the financial institution account transaction activity data of the customer,” as recited in amended claim 1, “the incentive being selected based on an analysis of

financial institution account transaction activity data of the customer,” as recited in amended claim 35, and “the rankings being produced by analyzing financial institution account transaction activity data of the customers with at least one financial institution,” as recited in amended claim 48. Pending claims 2-4, 7, 9, 12, 14, 18-19, 21-32, 34, 36-44, 47, and 49-52 are ultimately dependent on claims 1, 35, or 48. Accordingly, allowance of claims 1-4, 7, 9, 12, 14, 18-19, 21-32, and 34-44, and 47-52 is respectfully requested.

## **II. Claim Rejections in view of U.S. Patent No. 6,321,208 to Barnett**

The Office Action rejected Claims 1-4, 7, 9, 18, 21-22, 25-27 and 29-34 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,321,208 to Barnett. Applicant traverses these rejections for reasons set forth below and respectfully requests reconsideration and withdrawal thereof.

Barnett fails to disclose or suggest each element recited in amended independent claim 1. For example, Barnett fails to disclose or suggest “analyzing the financial institution account transaction activity data of the customer,” as recited in amended claim 1. Claims 2-4, 7, 9, 18, 21-22, 25-27 and 29-34 are ultimately dependent on claim 1. Accordingly, allowance of claims 1-4, 7, 9, 18, 21-22, 25-27 and 29-34 is respectfully requested.

## **III. Claim Rejections in view of WO 97/23838A1 to Scroggie**

The Office Action rejected claims 1-4, 7, 9, 12, 14, 18-19, 21-22, 25-27, 29 and 31-47 are rejected under U.S.C. §102(e) as being anticipated by WO 97/23838A1

to Scroggie. Applicant traverses these rejections and respectfully requests reconsideration and withdrawal thereof.

Scroggie fails to disclose or suggest each element recited in amended independent claims 1 and 35. For example, Scroggie fails to disclose or suggest “analyzing the financial institution account transaction activity data of the customer,” as recited in amended claim 1 and “the incentive being selected based on an analysis of financial institution account transaction activity data of the customer,” as recited in amended claim 35. Pending claims 2-4, 7, 9, 12, 14, 18-19, 21-22, 25-27, 29, 31-34, and 36-44, and 47 are ultimately dependent on claims 1 or 35. Accordingly, allowance of claims 1-4, 7, 9, 12, 14, 18-19, 21-22, 25-27, 29, 31-44, and 47 is respectfully requested.

#### **IV. Claim Rejections in view of U.S. Patent No. 5,619,558 to Jheeta**

The Office Action rejected Claims 1-22, 25 and 27-34 under U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,619,558 to Jheeta. Applicant traverses these rejections for the reasons set forth below and respectfully requests reconsideration and withdrawal thereof.

Jheeta fails to disclose or suggest every element recited in amended independent claim 1. For example, Jheeta fails to disclose or suggest “analyzing the financial institution account transaction activity data of the customer,” as recited in amended claim 1. Jheeta relates to generating offers to consumers based on customer profiles, where the customer profile contains information obtain from the customer

via a telephone survey (*see, e.g.*, Jheeta, col. 5, lines 22-34) and not to analyzing a customer's financial account transaction activity data. Pending claims 2-4, 7-22, 25 and 27-34 are ultimately dependent on claim 1. Accordingly, allowance of claims 1-4, 7-22, 25, and 27-34 is respectfully requested.

### CONCLUSION

The foregoing is submitted as a full and complete response to the Office Action of March 22, 2007. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner believes that there are any issues that can be resolved by a telephone conference, or that there are any informalities that can be corrected by an amendment, please call 404 745-2520.

Respectfully submitted,

/JASON D. GARDNER 58180/

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Jason D. Gardner  
Reg. No. 58180  
Attorney for the Assignee

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia, 30309-4530  
404 745-2520 (direct)  
404 541 4619 (direct fax)